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*Office of the Attorney General
Nevada Department of Corrections,
Calvin Johnson and James Scally*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARCUS PAALUHI,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:23-cv-01980-CDS-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT**

Plaintiff, Marcus Paaluhi, by and through counsel, Corey Carter Esq., and counsel, Shawn Perez Esq., and Defendants Nevada Department of Corrections (NDOC), Calvin Johnson, and James Scally, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Rudolf M. D'Silva, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby stipulate to extend time the deadline to respond to the Complaint for May 6, 2024.

On November 30, 2023, Plaintiff filed a complaint alleging that his Eighth Amendment and Fourteen Amendment rights were violated by Defendants while incarcerated in the custody of the NDOC at High Desert State Prison (HDSP). ECF No. 1. Plaintiff also brings a Monell claim. *Id.* On February 26, 2024, Defendant James Scally was served at his home. ECF No. 8.

On April 15, 2024, Defendants counsel was assigned to case no. 2:23-cv-01980-CDS-EJY (this case). On the same day Defendants received notice that Defendant Calvin Johnson was served. ECF No. 13.

When an act may or must be done within a specified time, the court may, for good cause, extend the time... on motion made after the time has expired if the party failed to act because of excusable neglect. Fed. Rule Civ. Pro. 6(b)(B).

The Office of the Attorney General (OAG) did not assign Defense counsel this case until April 15, 2024, forty-nine days after James Scally was served. As such, Defense counsel could not respond to the complaint within 21 days pursuant to FRCP 12(a) and have good cause to request an extension to file a response to the complaint. Both parties are in agreement, and respectfully ask this Court to grant an extension to the deadline to respond to the complaint to May 6, 2024.

DATED this 19th day of April, 2024
and respectfully submitted by:
AARON D. FORD
Attorney General

/s/ Rudolf M. D'Silva
RUDOLF M. D'SILVA (Bar No. 16227)
Deputy Attorney General

DATED this 24th day of April, 2024
and approved as to form and content by:

/s/ Shawn R. Perez
SHAWN R. PEREZ (Bar No. 164228)
Attorney for Plaintiff

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: April 25, 2024